

# COHEN & GREEN

May 3, 2023

Hon. Sarah L. Cave, U.S.M.J.  
United States District Court, Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

By Electronic Filing.

**Re: Phillips v. City of New York, 21-CV-8149 (ALC)(SLC)**

Dear Judge Cave:

As the Court may recall, our firm represents Plaintiffs and the putative class in the case above. I write regarding the “separate order” the Court intends to issue to “amend its Order at ECF No. 83 to modify, but not exclude, paragraph 2(e).” ECF No. 86.

Before filing this letter, I wrote to Defendants asking if they wanted to send a joint letter to follow up on the order, given that the deadline to provide certain information under the Order at ECF No. 83 is May 11, 2023. Defendants’ responses seemed to suggest they would not be able to conduct a diligent search for the information in less than a week, but made clear they would not join any letter, or think through whether timely compliance with the Court’s order would be impossible without clarification at least a week in advance of the deadline. They ended the exchange by responding to a question about timing by saying, “I’m not engaging in what if’s at this time. If you feel the need to write to the Court, it is your prerogative.” So, this letter followed.

Given that identifying Does before a statute of limitations either needs to be accomplished, or a plaintiff must make a showing of diligence to receive an extension, Plaintiffs are writing to follow up, and ask that the Court issue the “separate order” contemplated by ECF No. 86. Plaintiffs do so in part because the schedule here has been created working backwards from the statute of limitations, so there is not as much wiggle room on the other end as there might be.

As always, we thank the Court for its continued time and attention.

Respectfully submitted,

/s/

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J. Remy Green

*Honorific/Pronouns: Mx., they/their/them*

**COHEN & GREEN P.L.L.C.**

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cc:

All relevant parties by electronic filing.